

**CONNECTICUT CIVIL RIGHTS COUNCIL**

314 Jobs Hill Road Ellington, CT 06029

860-871-8538/cksubs@aol.com

The Connecticut Civil Rights Council is in **OPPOSITION** to

**S.B. No. 816 AN ACT CONCERNING CHILD SUPPORT COLLECTIONS.**

The term "Child Support" is a misnomer. Support does not go to the children intended. The state focuses on collecting money from fathers for Federal funding and financial incentives.

The Judicial branch doubled the payments to marshals who enforce capias on father who owe support only, not rapist, murderers or child molesters, but fathers. Judges and magistrates hold fathers to support amounts that are impossible to pay, label them as deadbeat dads and throw them in jail when they can't pay the support. The enforcement of uniting fathers and children, enforcing father's fundamental rights to parent and raise their own children is non-existent.

In the case of Christopher Kennedy v Leanna Kennedy Docket No. FA01-0075660, the father, Christopher Kennedy has been deprived of all contact with his son since 2003. He has been denied all contact with his daughters from January 2004 to July 2005 then ordered to pay from \$45 to \$160 per hour for supervised visits until January 2008 – Without as little as an allegations of risk or abuse or unfit parenting.

Chris Kennedy has been overpaid in support since 2002. In January 2008 the court, judge Shluger increased his support by \$200 a month over the child support guidelines, without justification. Paycheck records show that the money is taken out of the father's paycheck by wage garnishment and sent to Child Support Enforcement. Banks record show that CSE is withholding the money from the children, sending the mother electronic deposits of as little as 4% of the money collected, as little as \$8 per week.

Child support does not support children parents do. It supports legal fees to keep fathers from their children or whatever a mother wishes which has included drugs and alcohol as there is no accountability.

Collecting Federal or State tax returns will only force parents to take out less taxes, decreasing the money to the State and Federal Government, knowing it will be taken from them by a corrupt court system.

**CONNECTICUT CIVIL RIGHTS COUNCIL**  
314 Jobs Hill Road Ellington, CT 06029  
860-871-8538/cksubs@aol.com

The Connecticut Civil Rights Council is in **SUPPORT** of

**S.B. No. 636 AN ACT CONCERNING THE PRESUMPTION OF INNOCENCE  
AND PRESERVATION OF CONSTITUTIONAL RIGHTS IN PROCEEDINGS  
ALLEGING CHILD ABUSE OR NEGLECT BY A PARENT OR GUARDIAN.**

The quality of justice in Connecticut hit a new low with the reappointment of Superior Court Judge Patricia Swords. A judge who consistently demonstrated the most abusive example of corruption in our court system.

Refusing to swear in witnesses; using a state paid GAL, appointed by the state to testify on behalf of the children, used her to litigate, to file motions and present case law for the court to terminate contact with my children. Judges like Swords do not protect your most fundamental rights as a parent, defendant or citizen of this state and this legislative body approved her.

On December 22, 2005, without notice or service of court documents this judge scheduled a hearing within 24 hours of a simple "Motion for Order" being filed, not an emergency motion. Without allegations of abuse, harm or risk to my children she terminated all contact with my son and ordered supervised visits for my daughters. Supervised visits at a cost of \$45/hour to see my children in a 10x10 ft room with a video camera and supervising sitting there watching every word and every motion you make. For the next 1-1/2 years judge swords refused to hear any motion I filed, only motions by every other party in the case were heard. I was charged a fee and paid the court to file each motion, it was scheduled for a hearing and then ignored by the judge.

The Guardian Ad Litem, GAL, Susan Lee Heintz was appointed by the state, paid by the state to testify on behalf of my children. She openly lies to the court, claiming under oath that I agreed to supervised visits. She falsely testified under oath that I purchased firearms, gun permits, gun licenses, that the court house was put on alert, that judges and attorney were notified I was a safety threat. The Supervising marshal of the Rockville courts testified no such threat or issue existed, that the GAL was lying under oath. The attorney's verified in writing that the GAL's claims were false. It was a false allegation made by the GAL and nothing was done.

Children need protection, from the state, from DCF, from corrupt judges  
We need bill 636 to protect us from the abuse by the state.

**ENCLOSED:**

1. Restraining order Docket No. FA04-0083947 issued against Chris Kennedy.  
No allegations of abuse or threats as required by statute, no children listed in the

applications. Approved by Judge Jonathan Kaplan, Rockville Administrative judge, terminating contact with my two daughters. Extended by Judge Lawrence Klaczak for 6 months for complaints against judge Kaplan. Included the mother by computer system Kaplan refuses to fix.

2. December 22, 2005 Hearing in Kennedy v Kennedy, FA01-0075660, Judge Patria Swords terminating all contact between father and son and ordered supervised visits for fathers and daughters. No allegations of abuse or harm or unfit parenting. Father never served with papers, Judge Swords scheduled the hearing for a "Motion for Order" within 2 days of filing.

3. October 23, 2006 Hearing in Kennedy v. Kennedy FA01-0075660 Rockville court. Judge Patricia Swords Refused to swear in the GAL Susan Lee Heintz, who was appointed by the state and paid by the taxpayer to testify for the children. Used the GAL to instead, file motions, present case law and litigate for the court at the expense of the taxpayer funds. Refused to hear motions filed by the father for which this hearing was scheduled and grants the motions by the attorney for the children before it was served on the parties or listed on short calendar.

**RESTRaining ORDER  
RELIEF FROM ABUSE**

JD-FM-139 Rev. 8-02  
C.G.S. §§ 29-28, 29-32, 29-33, 29-36k, 29-36l, 46b-15,  
52-259, 53a-36, 53a-42, 53a-217c, P.A. 01-130,  
P.A. 02-120, P.A. 02-127, P.A. 02-132

**\*\* ATTENTION RESPONDENT \*\***  
**SEE PAGE 2 FOR FIREARMS RESTRICTIONS  
AND OTHER INFORMATION CONCERNING  
ORDERS OF PROTECTION.**

STATE OF CONNECTICUT  
**SUPERIOR COURT**  
www.jud.state.ct.us



ROTT  
06

☒ **EX PARTE RESTRaining ORDER**

**INSTRUCTIONS TO CLERK:** Assign a hearing date of not later than 14 days from the date of the Order and Notice of Court Hearing. Provide the originals of the completed Application (JD-FM-137), Affidavit (JD-FM-138), this order (JD-FM-139) as well as two certified copies of this order to the Applicant. Retain one copy for the court file. Provide one copy to CSSD Family Services until January 1, 2003.

☐ **RESTRaining ORDER AFTER HEARING**

**INSTRUCTIONS TO CLERK:** Retain original for court file. Provide two certified copies of this order to the Applicant and one copy to the Respondent. Provide one copy to CSSD Family Services until January 1, 2003.

Within 48 hours of issuance of this order, the clerk shall send to the law enforcement agency where applicant resides, and, if different, the law enforcement agency where respondent resides and the law enforcement agency where applicant is employed:

Prior to January 1, 2003—a certified copy of this order.  
On or after January 1, 2003—a copy of this order or the information contained herein by facsimile or other means.

J.D. <b>TOLLAND</b>	COURT LOCATION (No., street, town, zip code, and courtroom, if applicable) <b>69 BROOKLYN ST. ROCKVILLE, CT 06066</b>	DOCKET NO. <b>83947</b>
NAME OF APPLICANT (Last, First, MI) <b>LEANNA PUTNAM, guardian for KATHLEEN &amp; BRENNAN KENNEDY</b>	DATE OF BIRTH (mm/dd/yyyy) <b>6-24-65</b>	SEX <input type="checkbox"/> M <input checked="" type="checkbox"/> F
ADDRESS TO WHICH APPLICANT'S MAIL IS TO BE SENT (No. and street) <b>3 SCHOOL ST.</b>		RACE <b>W</b>
(Town) <b>ENFIELD</b>		(State) (Zip Code) <b>CT 06076</b>
APPLICANT'S TOWN OF EMPLOYMENT (If applicable)		(State) (Zip Code)
NAME OF RESPONDENT (Person against whom order is issued) (Last, First, MI) <b>CHRISTOPHER B. KENNEDY</b>	DATE OF BIRTH (mm/dd/yyyy) <b>5-23-67</b>	SEX <input checked="" type="checkbox"/> M <input type="checkbox"/> F
ADDRESS OF RESPONDENT IF DIFFERENT FROM ABOVE (No. and street) <b>314 JOBS HILL RD.</b>		RACE <b>W</b>
(Town) <b>ELLINGTON</b>		(State) (Zip Code) <b>CT 06029</b>

**RESTRaining ORDER - RELIEF FROM ABUSE**

**ON THIS DATE IT IS HEREBY ORDERED THAT:  
THE ABOVE-NAMED RESPONDENT,**

- ☒ Refrain from imposing any restraint upon the person or liberty of the Applicant. (R1)  
☒ Refrain from entering the family dwelling or the Applicant's dwelling. (R3)

- ☒ Refrain from threatening, harassing, assaulting, molesting, sexually assaulting or attacking the Applicant. (R2)  
☐ Respondent may return to the dwelling one time with police to retrieve belongings. (R4)

ADDRESS OF DWELLING (Town) (State) (Zip Code)  
**3 SCHOOL ST. ENFIELD CT 06076**

- ☐ Refrain from stalking the Applicant. (R6)  
☐ Refrain from coming within 100 yards of the Applicant. (R7)  
☒ Stay away from children's school/daycare. (R9)

- ☐ Refrain from having any contact in any manner with the Applicant. (R5)  
☐ Refrain from entering the Applicant's place of employment. (R8)

☒ This order extends to the Applicant's minor children. (R10)

☐ This order extends to other persons (R11): (Specify)

☐ THE COURT FURTHER AWARDS TEMPORARY CUSTODY OF THE FOLLOWING CHILDREN TO THE APPLICANT (R12):

NAME (Last, First, MI)	SEX (M/F)	DATE OF BIRTH (MM/DD/YYYY)	NAME (Last, First, MI)	SEX (M/F)	DATE OF BIRTH (MM/DD/YYYY)
1			4		
2			5		
3			6		

- ☐ With visitation as follows (V1):  
☒ Without visitation rights to the Respondent (V2).  
☒ Further order (R13):

**ATTEST:**

*Vic Perry, Jr.*  
**Vic Perry, Jr.**

SUSPEND RESPONDENT'S VISITATION RIGHTS TO THE CHILDREN BE RESTRAINED FROM ENTERING

THE CHILDREN'S SCHOOL AT THE GRAMMER SCHOOL IN ENFIELD, 41 SCHOOL ST. SOMERS, CT

STATE OF CONNECTICUT  
**SUPERIOR COURT**  
JUDICIAL DEPARTMENT  
**TOLLAND**

**NOTICE**

An EX PARTE RESTRaining ORDER is only effective until the date of the hearing unless extended by agreement of the parties or by order of the court for good cause shown. A RESTRaining ORDER AFTER HEARING remains effective for six months from the date of the order unless a shorter period is ordered by the court.

SIGNED (Judge, Assistant Clerk)

DATE SIGNED

**3/19/04**

**JONATHAN I. KAPLAN**

PAGE 1 OF 2

**MAR 19 2004**

**CERTIFIED COPY  
SEAL AFFIXED**

BY *[Signature]*

1 FA-01-0075660-S

2 FA-04-0083947-S

3 FA-04-0083356-S

: SUPERIOR COURT

6 LEANNA PUTMAN

: TOLLAND JUDICIAL DISTRICT

9 V.

: ROCKVILLE, CONNECTICUT

12 CHRISTOPHER KENNEDY

: APRIL 5, 2004

17 BEFORE:

19 THE HONORABLE LAWRENCE KLACZAK  
20 JUDGE TRIAL REFEREE

25 APPEARANCES:

28 For the Plaintiff:

30 SUSAN BOYAN, ESQ.

34 For the Defendant:

36 CHRISTOPHER KENNEDY (ordering party)  
37 Pro Se

43 Jeanne Chace  
44 Court Monitor

1 continuation of that hearing.

2 MS. BOYAN: I'd like to call Leanna Putman, Your  
3 Honor.

4 MR. KENNEDY: I'd like to object immediately, Your  
5 Honor, and I'd like to move to have this dismissed.

6 This restraining order, if you read the copy of it,  
7 it doesn't even list the children. It was granted by  
8 Judge Kaplan. Judge Kaplan also contacted the Court  
9 in Hartford and had the judge in Hartford vacate a  
10 restraining order that was granted.

11 There's several errors and omissions in it and  
12 several contradictions.

13 THE COURT: Well, that doesn't get it dismissed.  
14 That's what we're here for, is to determine whether it  
15 should be continued.

16 MR. KENNEDY: But I'm confused as to what I'm  
17 restrained against.

18 THE COURT: Well, have you read the order?

19 MR. KENNEDY: Yeah.

20 THE COURT: It's pretty clear, isn't it?

21 MR. KENNEDY: It suspends visitation, but the  
22 children aren't even listed on this restraining order,  
23 Your Honor.

24 THE COURT: Well, we'll clarify that then. You  
25 have three children, don't you?

26 MR. KENNEDY: Yes.

27 THE COURT: Okay. There seems to be a clerical

1           Leanna Putman despite the judge's ruling. I filed a  
2           motion for clarification, and the judge denied it.

3           THE COURT: Right.

4           MR. KENNEDY: So currently --

5           THE CLERK: Your Honor, I can explain that.

6           I was --

7           THE COURT: Well, I mean I don't think -- I mean  
8           the order is there. The order says --

9           THE CLERK: It's the only way the order can be  
10          generated. It lists her, but Judge Kaplan's orders were  
11          specific to the children. But the only way they could  
12          generate the order --

13          THE COURT: Again, we have Judge Kaplan's  
14          transcript and the order that he issued on that day.  
15          I'm not sure what --

16          MR. KENNEDY: Sure, but if the police see this  
17          order, it says that I'm restrained from any contact with  
18          the mother and that's not true.

19          THE WITNESS: Yes, it is. There's a protective  
20          order in place that states that.

21          THE COURT: It says what it says.

22          MR. KENNEDY: What I'm saying is that it's another  
23          issue, that the restraining order was granted, Your  
24          Honor. I filed an appeal because obviously I don't  
25          agree with it. And just the restraining order, itself,  
26          I don't agree with the whole process, that Judge Kaplan  
27          granted this restraining order. It contradicts his

1 had done, they quickly vacated that ex parte order.  
2 You've testified that your intentions were quite  
3 honorable in going to try to get your children with that  
4 restraining order. I don't know what your intentions  
5 were. They may have been honorable, but I have some  
6 serious questions about your credibility because of what  
7 you did in Hartford. Whether you were going to take  
8 them out of state, whether you were just going to  
9 protect them, whether you were going to do them bodily  
10 harm, I don't know; and there's no way for me to know at  
11 this point.

12 But I do know that I have great concern about the  
13 possibility that something damaging was going to happen  
14 to these children, that they would be in danger by your  
15 actions because of what you did. If you had wanted to  
16 come into -- here to try to get custody or visitation  
17 different, you could have tried that. But to go to  
18 Hartford, to go to a different jurisdiction to get an  
19 order, which contradicts the order that was granted here  
20 after a hearing, frightens me because I don't know what  
21 your intentions were.

22 And your ex-wife talks about instability ,and I  
23 think that this is at least an indication that there may  
24 be some instability in your life. I've read the motion  
25 that you filed in this Court to recuse Judge Kaplan.  
26 You're suggesting that criminal charges be brought  
27 against him in your affidavit to recuse him. That, to



1 me, smacks -- of some instability. Maybe I'm wrong, but  
2 I am concerned for these children; and I think because  
3 of the concern -- and it's a legitimate concern and a  
4 reasonable concern through the testimony that I've heard  
5 here -- that this restraining order should be continued.

6 Having said that, I also think -- I agree with your  
7 one statement in that you said these children need a  
8 voice, and that's why I asked if there was a guardian ad  
9 litem ever in this case for these children. There  
10 probably should be one. And I'm going to take it upon  
11 myself to appoint a guardian ad litem. I don't have  
12 financial affidavits, so I don't know about your ability  
13 to pay; but I think we need to get a voice for the  
14 children in this Court. We don't have it. I'm having  
15 what you're telling me they want to do. I'm having from  
16 your ex-wife telling me what they want to do. But  
17 again, I don't know. These are two conflicted people,  
18 so it's hard for me to access where the truth is. The  
19 kids need a voice, and I think it should be done.

20 MS. BOYAN: I agree with Your Honor. The problem  
21 has always been financial with these people. Right now,  
22 they're both unemployed. Can I suggest that we contact  
23 the Children's Law Center?

24 THE COURT: I will -- I will appoint someone, and  
25 we have provisions. Attorneys will take these cases --

26 MR. KENNEDY: I assume the case is going to  
27 continue on as far as the family case goes? And there's

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FA01 0075660-S

SUPERIOR COURT

KENNEDY

TOLLAND JUDICIAL DISTRICT

v

ROCKVILLE CONNECTICUT

KENNEDY

DECEMBER 22, 2005

THE HONORABLE PATRICIA SWORDS

APPEARANCES

FOR THE PLAINTIFF:

Appeared Pro Se

FOR THE DEFENDANT:

Susan Boyan, Esquire

Donna Wong

Court Monitor

1           THE COURT: I understand from the clerk that you  
2           were just given copies of the decision the Court issued,  
3           this morning, in the motion to correct, and I imagine  
4           you probably haven't had any time to read it, am I  
5           stating --

6           MS. BOYAN: That's correct. We read the last page,  
7           Your Honor.

8           THE COURT: So let me summarize for you what I said.  
9           With regard to the defendant's motions, which were on  
10          October 12<sup>th</sup>, which were motions 245, 252, and 253,  
11          after my review of the transcript and all the other  
12          proceedings, I determined that Judge Soloman did not,  
13          in fact, issue any orders in those three motions, so I  
14          ordered that those notations by the clerk, which  
15          appear on 245, 252, and 253, be expunged. Those  
16          motions were marked off by the clerk's office,  
17          therefore; Judge Solomon did not have them in front of  
18          him to be considered. The other motion, which was the  
19          guardian ad litem's motion, number 252; that, was  
20          heard by the Court.

21          There was an agreement entered into by the parties,  
22          the agreement was accepted by Judge Solomon, and orders  
23          were entered pursuant to the agreement. There was no  
24          order of supervised visitation issued by Judge Solomon  
25          at that time, so I have ordered that that sentence be  
26          expunged from the order on motion 250, and the order  
27          will just basically read that the Court accepts the

1 agreement. Dr. Mantell's fees are approved. And all  
2 parties were present. Okay. So, you can obviously  
3 read that decision at your leisure.

4 The purpose of today's hearing is to consider the  
5 motion for order, which was filed by the defendant on  
6 December 20<sup>th</sup>, and that motion is coded 289. All right,  
7 Ms. Boyan, you are the moving party on that motion, so  
8 how would you like to proceed?

9 MS. BOYAN: I would like call the guardian ad litem  
10 as a witness.

11 MR. KENNEDY: : If I could Your Honor, this is in  
12 opposition to her motion, that I would like to file with  
13 the court. This is a copy for the Court. Here is a  
14 copy for the guardian ad litem and a copy for Attorney  
15 Boyan, guardian for Leanna.

16 THE COURT: Mr. Marshal, could you get the motion  
17 from Mr. Kennedy please?

18 MR. KENNEDY: Thank you.

19 THE CLERK: Raise your right hand.  
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1 That my children are being put at risk by the Court and by the  
2 mother by excluding the father. They are being put at risk for  
3 teenage pregnancies, for drug use, for truancy, for being  
4 abused or being abusers, for runaways, and just about every  
5 other social aspect with affects our society. I have gone to  
6 great lengths to the point of introducing legislation, which  
7 would provide for equal rights to parents going through  
8 divorce, Bill 1120, which also would punish any parent who  
9 brought fault allegations against another parent --

10 THE COURT: -- Mr. Kennedy, I am really not  
11 concerned about that. It has nothing to do with access.

12 THE WITNESS: As far as making efforts to see my  
13 children, Your Honor.

14 THE COURT: I trust your representation. I don't  
15 want a blow by blow description of what the bill  
16 contains. That is not really relevant to this  
17 proceeding. I think that you do believe that you have  
18 your children's best interest at heart, I can tell that  
19 from the limited contact that I have had with you over  
20 the last couple of months. You greatly desire to see  
21 your children; I don't think there is any question in my  
22 mind about that, you wouldn't be here otherwise.

23 THE WITNESS: Yes, Your Honor.

24 THE COURT: You would have walked away.

25 THE WITNESS: I can guarantee you that I will never  
26 walk away.

27 CONTINUED BY MR. KENNEDY:

1       Q    As a result of the modification of custody and my  
2 deprivation of contact with my children, I have also started  
3 support groups in the State of Connecticut, and in the State of  
4 Massachusetts, which I run a weekly basis. In those groups I  
5 contact multiple fathers who are in the same position that I  
6 am, who have little or no contact with their children and who  
7 are under constant complaint that the court discriminates  
8 against men and does not provide equal access for children,  
9 that fathers are treated as paychecks, that they are treated as  
10 garbage by the courts. And, it is my intention, not just with  
11 my own children but the children in the State of Connecticut,  
12 to do everything I can to protect them from being deprived of  
13 either parent, mother or father, that both parents deserve  
14 equal access. The commission on divorce custody and children -  
15 -

16               THE COURT:  -- Mr. Kennedy?

17               THE WITNESS:  Yes.

18               THE COURT:  Please.  You are going well beyond the  
19 focus of this hearing.

20               THE WITNESS  It's in the child's best interest that  
21 these references are, of what I have read, Your Honor,  
22 that I wish to testify to.

23               THE COURT:  Okay.  It's hearsay.

24               THE WITNESS:  Okay, Your Honor.

25 CONTINUED BY MR. KENNEDY:

26               Ultimately, my concern is that the children have -- with  
27 Sean, they have no relationship -- he has no relationship with

1 his father, and that has shown to be detrimental for the past  
2 two years. With my daughters, they have expressed repeatedly  
3 their desire to have contact with their father and if this  
4 continues it will continue to erode the well being of my  
5 children, as it has already caused damage that will last the  
6 life of these children. And, I am asking the Court to allow  
7 normal visitation for now, the same as it was prior to the  
8 involvement of the Rockville Court and prior to the police  
9 involvement, that the children may again have a relationship  
10 with their father that is normal. And, I would ask the Court  
11 to enforce the court orders for visitation between the parents,  
12 so that in the child's best interest the children have contact  
13 with both parents and both parents are shown that the court  
14 will uphold the court orders and that visitation or contact  
15 with children is as important as child support or any other  
16 matter that comes before this Court. The children need a  
17 consistent contact and they need a fully involved father in  
18 their lives.

19 Your Honor, I also wish to present a video tape from AMPS,  
20 which they recorded one of the visits between me and my  
21 daughters, so that you can witness me outside this courtroom,  
22 although it's not a natural environment, it at least puts on a  
23 different stage rather than my being evaluated as a person  
24 here. But it shows the relationship between myself and my  
25 daughters, which I believe you will find extremely positive.

26 THE COURT; Okay. Well, the Court doesn't have any time  
27 to see it, obviously, today, if it's an hour long, but I

1       accept your representation that it shows you in a positive  
2       light. There is nothing that I have been presented from  
3       AMPS that would indicate that you have anything but a  
4       positive relationship while you are at AMPS with your  
5       daughters, so I accept your representation that this what  
6       the tape shows. I would just note that it shows you  
7       visiting with the children in a supervised setting.

8               THE WITNESS: Yes, You Honor.

9               THE COURT: You are asking me, as you know, for  
10       unsupervised visitation. That the order of February 4,  
11       03' not be modified?

12              THE WITNESS: Not be modified, yes, Your Honor.

13              THE COURT: Okay. All right. So I am not going to  
14       look at the videotape, but I accept what you tell me is  
15       on the tape because I have no reason to believe  
16       otherwise.

17   CONTINUED BY MR. KENNEDY:

18       In closing, Your Honor -- or my last testimony. I have made  
19       great efforts as far as meeting with counselors, joint  
20       counseling between myself and Sean, that has been constantly  
21       interfered with by the mother. I have made great efforts to  
22       improve our relationship, in which Sean has expressed a desire  
23       to me, a desire to talk about the problems at school, a desire  
24       to talk about issues involving his life in general, very  
25       specific concerns that he does not want to talk to the mother's  
26       boyfriend about, because I am his father. Sean has made an  
27       effort to contact my other family members in an effort to be



1 united with me. He's has contacted my mother and my aunt, he  
2 has sent letters to them and he has expressed a desire to  
3 contact his father and he has expressed his frustration at  
4 being withheld from contacting his father. That he wants a  
5 relationship and he doesn't know how to facilitate that because  
6 of his current deprivation. At no time have the children ever  
7 been put at risk when they are in my presence, no more than the  
8 mother has put them at risk, for my daughters or my son, and  
9 there is no reason, no reason, that the court order should be  
10 modified from the visitation that was in place and is in place  
11 today. There is no reason it should be modified to supervised  
12 visits. It is only a mother's effort to deprive the children  
13 of a fully involved father. And that is all I have, Your  
14 Honor.

15 THE COURT: Okay. You can step down, sir.

16 MR. KENNEDY: I have no further witnesses, Your  
17 Honor, just a closing argument.

18 THE COURT: Okay. I will give you -- since I just  
19 heard the evidence, I don't think I even need closing  
20 argument from either side.

21 This case I think is troubling to the Court every  
22 time it appears on the docket. And I say "troubling" in  
23 the sense that this is obviously a very unhappy  
24 situation for both parties. And not that court is a  
25 place where people come to become happy, but it's very  
26 distressing to see what is going on with the family,  
27 including the children.

1           My impressions are, from everything that I have  
2           heard in this hearing, the hearing of December 9<sup>th</sup>, some  
3           hearings we had October 5<sup>th</sup>, and perhaps other times when  
4           it's been before me, in Court, is that Dr. Mantell and  
5           the guardian ad litem would like more visitation between  
6           you, Mr. Kennedy, and your daughters. And, what has  
7           held it up to this point is not the criminal case, even  
8           though you can say that that certainly was little bit of  
9           a fly in the ointment, but that criminal protective  
10          order could very easily been modified if Dr. Mantell had  
11          prepared his final report and had recommended a less  
12          restrictive type of access than the one that you are  
13          operating under. So, I think that the difficulty that  
14          this Court is presented with today is that since, at  
15          least, April of 04', and perhaps it's only as recent as  
16          April of 05' -- or July of 05'', the only visitation that  
17          has occurred between yourself and you daughters has been  
18          supervised visitation. And that supervision has been,  
19          at most, one time per week, on a Wednesday afternoon or  
20          evening, whether it is one hour or two hours. While that  
21          has been going on, there has been a psychological  
22          evaluation, which was agreed to by the parties. It's on  
23          going. It's not complete. It was ordered by the Court  
24          with the agreement of the parties in an effort to assist  
25          the Court in deciding what the appropriate access should  
26          be. In part, that report is not complete because of  
27          your failure to go to the meeting with Dr. Mantell on

1 December 8<sup>th</sup>. There may be other reasons too why it's  
2 not complete, but that is a prime reason, I'm sure.

3 The Court notes that the guardian ad litem has  
4 testified that in her opinion that the best interest of  
5 the children at this time, for Sean in particular, that  
6 there will be no access at all between Sean and his  
7 father. The Court notes that Sean is sixteen years of  
8 age. The guardian also testified on a prior occasion,  
9 December 9, that Sean wanted no contact with his father.  
10 The Court credits the testimony of the guardian ad litem  
11 on both occasions, both today and -- and accepts her  
12 opinion with respect to what is in the best interest of  
13 the child and also her representation that Sean does not  
14 want access at this time, or visitation with his father.  
15 The Court also credits the testimony of the guardian ad  
16 litem that after her review of the matter, her  
17 discussion of the matter with Dr. Mantell, and her  
18 knowledge of this case and the parties, that it would  
19 not be in the best interest of the daughters to have  
20 unsupervised access at this time. True, the guardian ad  
21 litem at testified that Katie and Brenna are desirous of  
22 more access, they would like it to go back to the fifty-  
23 fifty shared parenting schedule. The Court notes that  
24 Katie is twelve years old and Brenna is nine years old,  
25 I believe. So, children of that age cannot be the ones  
26 to make that decision. Because of their age, it takes  
27 and adult looking out for their best interests. The

1 Court credits the testimony of the guardian ad litem  
2 that at this time, because of the posture of the case at  
3 this time, with the uncompleted psychological  
4 evaluation, and based upon the fact that there has been  
5 no unsupervised access between the plaintiff and the  
6 girls for many months, if not a couple of years, that it  
7 would not be in their best interest at this time to have  
8 unsupervised access with the plaintiff.

9 The Court, having observed the guardian ad litem,  
10 listen to her testimony carefully on this occasion as  
11 well as reviewed her report, contrary to what the  
12 plaintiff claims, the Court finds no bias between -- as  
13 to the guardian ad litem toward the plaintiff. My  
14 impression, on the contrary, Mr. Kennedy, is that she is  
15 desirous of reuniting you with the girls expeditiously,  
16 but she is not going to make that kind of recommendation  
17 without some therapeutic recommendations on the part of  
18 Dr. Mantell or other qualified professionals.

19 So, having made those findings the Court will enter  
20 the following orders; The Court modifies the access  
21 order of February 4, 2003, to suspend any access between  
22 the plaintiff and his son Sean until further Court  
23 order. The Court also orders that contact access  
24 between the plaintiff and the two girls, Kathleen and  
25 Brenna, be supervised, that that supervision occur at  
26 AMPS. That that supervision at this time consists of  
27 one time per week, on Wednesday, as in place currently.

1        Said access to be modified based upon the recommendation  
2        of the Court-appointed psychologist, Dr. Mantell. And  
3        what I mean by that is, is that if Dr. Mantell  
4        recommends that there should be more contact between you  
5        and your children, that I would abide by that order Mr.  
6        Kennedy, without the necessity of returning to court.

7                MR. KENNEDY: You are decreasing it from what the  
8        criminal court ordered Your Honor?

9                THE COURT: No. I am keeping in place what is  
10       currently in place; that's my intent here.

11               MR. KENNEDY: It was two hours per week.

12               THE COURT: Two hours per week? Then that is fine.

13               MR. KENNEDY: Dr. Mantell recommended --

14               THE COURT: -- that is fine. The guardian ad litem  
15       was unclear as to whether it was one or two hours. If  
16       it is two hours presently -- is that correct?

17               MS. BOYAN: No, it's one hour. There was question  
18       on -- because the order had said one or two --

19               MR. KENNEDY: The criminal court order said one to  
20       two hours per week.

21               MS. BOYAN: One to two hours. Mr. Kennedy elected  
22       the one hour and that is what has been in place.

23               MR. KENNEDY: Because I can't pay for supervised  
24       visits, and you are penalizing me forty-five dollars to  
25       ninety dollars a week with not seeing my children. I  
26       would ask that the mother, receiving child support, and  
27       now a substantial settlement from a lawsuit, that she

1 pay for the supervised visits.

2 THE COURT: I am not going to order that Mr.  
3 Kennedy.

4 MR. KENNEDY: Then I can't see my children.

5 THE COURT: The reason why it's supervised  
6 visitation is because of your actions in this case, not  
7 because of Ms. Putman's actions.

8 MR. KENNEDY: What actions Your Honor? I was  
9 acquitted of every charge possible. It's just blatant  
10 discrimination.

11 THE COURT: Okay. With respect to the plaintiff's  
12 motion for unsupervised visits, which is dated December  
13 1, 2005, the Court denies that without prejudice at this  
14 time, -- without prejudice, to be renewed at a time  
15 where there is appropriate circumstances which justifies  
16 a modification of the order.

17 MR. KENNEDY: So you have terminated all contact.  
18 You have terminated my rights with my son, Your Honor.  
19 I have no rights with my son. Even DCF requires a  
20 thirty-day review. DCF requires supervised visits, or  
21 some contact, but yet you and the family court are  
22 continuing a two-year deprivation of my son. You are  
23 condemning him, Your Honor. Condemning him to a  
24 destructive life. And so how am I to resolve the issue  
25 between me and my son with no contact?

26 THE COURT: I don't have an answer for you Mr.  
27 Kennedy. I am not a mental health professional either,

1 but it's very clear to me that at this time it would be  
2 harmful to Sean if you were allowed access to him.  
3 That's very clear to me. Very clear to me.

4 MR. KENNEDY: Harmful in what way, Your Honor?

5 THE COURT: Harmful to his mental health. Adjourn  
6 court, Marshall.

7 (Adjourned)

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FA01-0075660S : SUPERIOR COURT  
CHRISTOPHER KENNEDY : TOLLAND JUDICIAL DISTRICT  
V. : AT ROCKVILLE  
LEANNA KENNEDY : OCTOBER 23, 2006

B E F O R E:

THE HONORABLE PATRICIA A. SWORDS  
SUPERIOR COURT JUDGE

A P P E A R A N C E S:

For the Plaintiff:      *Ordering Party*  
Pro se

For the Defendant:  
SUSAN BOYAN, ESQ.  
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Vernon, Connecticut 06066

Guardian Ad Litem:  
SUSAN LEE HEINTZ, ESQ.  
P.O. Box 214-A  
Staffordville, Connecticut 06077

For the Children:  
IRA JACOBS, ESQ.

Ilze T. Zemzars  
Court Monitor



1 in this case. This is a letter from the governor's  
2 office requesting an investigation of Judge Kaplan in  
3 this case, and I'm concerned that with the relationship,  
4 Mary Oberg withdrew because of her relationship with  
5 Judge Kaplan. She did not want to be paid by the state.  
6 And now we have Ira Jacobs, who clerked for Judge Kaplan,  
7 to be paid for with state funds. I'm concerned of the  
8 conflict; there's a conflict of interest here, Your  
9 Honor.

10 THE COURT: Ms. Heintz, anything you'd like to add?

11 MS. HEINTZ: Yes, Your Honor.

12 I -- these are difficult questions. I did meet  
13 with --

14 MR. KENNEDY: I object, Your Honor. She's not a  
15 party to this case.

16 THE COURT: Okay. Go ahead.

17 MS. HEINTZ: As the guardian ad litem I met with  
18 Kathleen and Brenna at --

19 MR. KENNEDY: Your Honor, I object to her not being  
20 sworn in.

21 THE COURT: Okay. Very good. Stop interrupting,  
22 Mr. Kennedy.

23 Ms. Heintz.

24 MS. HEINTZ: At Denny's last week and had dinner  
25 with them and discussed the matter at length. The -- and  
26 to make sure this clear for Your Honor, the older child,  
27 Sean, turned eighteen.

1 THE COURT: Yes, right.

2 MS. HEINTZ: So you are aware that --

3 THE COURT: Yes.

4 MS. HEINTZ: -- Attorney Jacobs is no longer  
5 representing him. So I met only with the girls and the  
6 girls do vary in their positions. Kat, is what she calls  
7 herself now, is thirteen, and she is comfortable with  
8 Attorney Jacobs and has expressed her opinions to him.

9 Brenna is ten and Brenna has great difficulty  
10 discussing this matter with any of the professionals.  
11 She was very shy and reticent when I met with her. It's  
12 my understanding that she's been a little teary-eyed with  
13 Attorney Jacobs, when she has attempted to express to him  
14 what her position is.

15 When I spoke to Brenna about the possibility of  
16 having different counsel, she couldn't give me an opinion  
17 one way or the other. She didn't say that she's not  
18 comfortable with Attorney Jacobs. I explored the  
19 possibility of a female attorney or a different type of  
20 attorney and she could not really express any opinion.

21 Kat would be more than happy to have Attorney Jacobs  
22 continue on her behalf.

23 So then I tried to consider, Your Honor, what is in  
24 the best interests of these children and I don't have a  
25 tremendous amount of data. I consulted Ann Tuller. I  
26 haven't had a recent written report from her. She did  
27 report that there has been some confusion regarding the

1           nights of the visitation and that she has some concerns  
2           about the conversation with Mr. Kennedy and with the  
3           girls in their -- their visitation.

4           MR. KENNEDY: I object, Your Honor. That's hearsay.

5           MS. HEINTZ: -- their visitation last week. I  
6           requested a letter from Ann Tuller. She's going to be  
7           out of town for a week, so I don't any -- further then to  
8           report to the court that there was some concern.

9           I have a letter from the Peace Program that Dr.  
10          Elizabeth Thayer (phonetic spelling) has terminated her  
11          services and so she is no longer meeting with the  
12          parties.

13          So the only recent therapeutic or psychological  
14          recommendation I have is a letter from Dr. Mantell  
15          regarding his completing his psychological evaluation  
16          dated December 8, 2005. At that point in his  
17          recommendation section he indicated --

18          MR. KENNEDY: Your Honor, I object.

19          THE COURT: You know, Mr. Kennedy, I let you speak  
20          for a few minutes here and everything you reported to me  
21          or in excess of fifty percent of what you reported to me  
22          was also hearsay from your meetings and representations  
23          of what your daughters have said in your visitation with  
24          them. So, as much as I allowed you to put that hearsay  
25          on the record, I'm going to allow Ms. Heintz to put her  
26          hearsay on the record as well for the purposes of this  
27          hearing.

1 MR. KENNEDY: I would move for a mistrial at this  
2 point, Your Honor.

3 THE COURT: So noted.

4 Go ahead, Ms. Heintz.

5 MS. HEINTZ: Your Honor, in terms of forming my  
6 opinion, I have relied -- of information from these other  
7 professionals and Dr. Mantell in December of 2005, had  
8 indicated that the family court strive for as much  
9 continuity of venue as possible and he also said that the  
10 children be spared the stress of repeated interviews with  
11 new professionals to the extent possible. So then the  
12 question is: What is possible at the present time?

13 And Your Honor I've been trying to obtain counsel  
14 for the children for over a year and Attorney Mary Oberg  
15 was appointed. Mr. Kennedy objected.

16 Attorney Kerry Tarpey was appointed. Mr. Kennedy  
17 objected.

18 Attorney Jacobs was appointed and initially Mr.  
19 Kennedy did not object.

20 Attorney Jacob's letter went to Mr. Kennedy on July  
21 18<sup>th</sup>, and it was only subsequent to our appearing in  
22 court, Your Honor, when Attorney Jacobs began to express  
23 his opinions on behalf of the girls that Attorney Jacobs  
24 then received a letter objecting to his representing the  
25 children.

26 It's my understanding that Attorney Jacobs clerked  
27 for Judge Kaplan in the early 1990s. This matter didn't

1 will end in eight to ten years, but it's not going to end  
2 short of eight to ten years. That's just the history of  
3 this case. That's the bottom line here.

4 MR. KENNEDY: Your Honor, can I ask why I'm being  
5 restricted from seeing my children?

6 THE COURT: No, you cannot, Mr. Kennedy. The only  
7 motion before the court today is Mr. Jacobs' motion with  
8 respect to the attorney for the minor children.

9 Ms. Heintz, do you have anything further on that  
10 issue?

11 MS. HEINTZ: No, Your Honor. It's a difficult one.

12 THE COURT: Okay. Ms. Boyan, is there anything that  
13 you would like to put on the record?

14 MS. BOYAN: Yes, Your Honor.

15 My client does object to another attorney entering  
16 the case at this point simply because of the impact on  
17 the children. They've had to deal with so many  
18 professionals and counselors and lawyers that she was  
19 hoping there could be some way that the children's  
20 interests could be represented without having them have  
21 to go through it all again with a new person.

22 Along that same line we would also support that  
23 Attorney Jacobs stays in the case because he has met with  
24 them, they have a good rapport, and we would like him to  
25 remain on as the attorney and as you said, it will not  
26 increase or decrease the litigation whether he stays or  
27 not.

1 THE COURT: All right. Ms. Heintz, do you have a  
2 suggestion in the best interest of the children as to who  
3 Mr. Jacobs -- actually, I'm going to withdraw that  
4 question.

5 Mr. Jacobs, --

6 MR. JACOBS: Yes, Your Honor.

7 THE COURT: Who -- if I keep you in this case, who  
8 should you represent?

9 MR. JACOBS: The thought that I'd shared with Mr.  
10 Kennedy and I believe with counsel as well is I don't --  
11 I honestly don't know whether the younger child is having  
12 difficulty expressing herself because I'm a male. I  
13 don't know. I mean I've heard that Kat, the older child,  
14 seems to have you know a professional relationship with  
15 me. I don't -- I don't know, Your Honor. I really don't  
16 know. But my -- the thought that I had shared with Mr.  
17 Kennedy was whether or not having perhaps a female  
18 involved as the attorney for the younger one given her  
19 tender age that maybe that would be something that would  
20 be beneficial. That was just a suggestion. I don't have  
21 anything to base that upon. I just don't know.

22 THE COURT: All right. Do you have any suggestions  
23 on who might be willing to be involved in this?

24 MR. JACOBS: I do not. I have not discussed it with  
25 any attorney.

26 THE COURT: Okay.

27 MR. KENNEDY: If I may, Your Honor. Again, I filed

1 three motions to transfer this case. You've ignored each  
2 one. And I would ask that this case be transferred out  
3 of this courthouse, transfer it to Middletown where they  
4 have the facilities and they deal with conflict cases  
5 like this; you yourself have suggested that, Peter Myers,  
6 the GAL.

7 THE COURT: Mr. Kennedy, you know that they will not  
8 take this at RFTD until all of the pretrial motions and  
9 the expert's reports are completed.

10 MR. KENNEDY: I don't know that, Your Honor, they  
11 can be transferred out.

12 THE COURT: Okay. Well, then you didn't listen very  
13 carefully when I put that on the record on two or three  
14 prior occasions.

15 All right. I'm going to grant Mr. Jacobs' motion  
16 which is for the appointment of an attorney for the minor  
17 child, an additional attorney for the minor child. The  
18 court finds that the plaintiff has failed to prove his  
19 allegation that there's any conflict of interest between  
20 Mr. Jacobs and Judge Kaplan. Judge Kaplan is not even  
21 involved in this case and will not be hearing any motions  
22 in this case, so there is absolutely no conflict of  
23 interest. Furthermore, the relationship that Mr. Kennedy  
24 put on the record to support his claim of conflict of  
25 interest is insufficient to show a conflict of interest  
26 between Judge Kaplan and Mr. Jacobs.

27 All right. With respect to another attorney for the

1 minor child, the only person that I'm familiar with aside  
2 from Mr. Morey, Ken Morey who will take this case at  
3 state rates would be Attorney David Heinlein, and in the  
4 absence of a better suggestion from the people involved  
5 I'm going to appoint Attorney David Heinlein to represent  
6 the interests of one of the children.

7 Mr. Jacobs, based upon what you have said, I don't  
8 know whether it's better for you to represent the older  
9 daughter or the younger daughter, I guess since you --  
10 appeared -- see some -- I don't hesitation or whatever  
11 term is best to describe it between yourself and the  
12 younger daughter, Brenna, perhaps you should represent  
13 the older daughter, Kat, and I'll appoint Mr. Heinlein to  
14 represent the younger daughter, Brenna.

15 All right. So, that's -- motions number 318 and  
16 316.

17 MR. KENNEDY: I'm sorry, Your Honor. Clarification.  
18 What motions were those again?

19 THE COURT: Numbers 316 and 318.

20 MR. KENNEDY: 316, and then 318 is not on the --  
21 today's docket, is that correct?

22 THE COURT: No, but it's a related motion. It's the  
23 motion Mr. Jacobs filed after you had indicated to him  
24 you perceived a conflict of interest.

25 MR. JACOBS: Just so the record's clear, when I  
26 filed the motion last week, I sent a letter to everyone  
27 indicating my intention to proceed today.



1 THE COURT: Okay. Thank you.

2 MR. JACOBS: Thank you, Judge.

3 THE COURT: Thank you.

4 (The hearing concluded.)

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